

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Dontay Untrell Avent

Docket No. 5:10-CR-210-1BO

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dontay Untrell Avent, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With Intent to Distribute More Than 5 Grams of Cocaine Base (Crack), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on February 1, 2011, to the custody of the Bureau of Prisons for a term of 100 months. It was further ordered that upon release from imprisonment, the defendant be placed on supervised release for a period of 60 months. On December 11, 2014, pursuant to 18 U.S.C. § 3582(c)(2), the term of imprisonment was reduced to 80 months.

Dontay Untrell Avent was released from custody on May 27, 2016, at which time the term of supervised release commenced. On December 15, 2017, a Violation Report was filed advising the defendant tested positive for marijuana on November 29, 2017. The defendant was removed from the Low Intensity Caseload, was enrolled in the Surprise Urinalysis Program (SUP), and was referred for a substance abuse assessment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 11, 2018, the defendant tested positive for marijuana. The urinalysis results were confirmed by Alere Toxicology Laboratories, Inc. Because this is the defendant's second positive drug test, it is recommended that the defendant participate in the DROPS Program at the second use level, and continue in the SUP Program and substance abuse counseling. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael C. Brittain
Michael C. Brittain
Supervising U.S. Probation Officer

/s/ Timothy L. Gupton
Timothy L. Gupton
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: January 25, 2018

ORDER OF THE COURT

Considered and ordered this 25 day of January, 2018, and ordered filed and
made a part of the records in the above case.

Terrence Boyle
Terrence W. Boyle
U.S. District Judge